

Report to: Cabinet



Date of Meeting 30/10/24

Document classification: Part A Public Document

Exemption applied: None

Review date for release n/a

Approval on the proposals to go out for public consultation in Spring 2025 to discharge and vary the Public Spaces Protection Orders to be implemented in May 2026

Report summary:

To seek approval to go out to public consultation on proposals to vary and discharge three Public Spaces Protection Orders: Dog Control, Seashores & Promenades, and Control of Anti-Social Behaviour & the Consumption of Intoxicating Substances in Exmouth.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet agree to public consultation of the proposed variations to go out to public consultation, to approve the variation of and to discharge the Public Spaces Protection Orders 2023 as required by the provisions within the Anti-Social Behaviour Crime and Policing Act 2014.

Reason for recommendation:

To enable public consultation of proposed changes to clarify the current PSPO's and allow a targeted approach to dog control and anti-social behaviour within the district.

Officer: Sally Webster, PEHO, Environmental Protection, swebster@eastdevon.gov.uk
01395519973

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

Equalities impact Low Impact

There is a need for appropriate controls using the PSPO's to address issues such as irresponsible dog ownership and alcohol related anti-social behaviour in Exmouth, which negatively impacts on other members of the public using the open spaces.

Climate change Low Impact

Risk: Low Risk; The consultation is a requirement of the Act and is necessary in order to create the required orders.

Links to background information Anti-Social Behaviour Crime and Policing Act 2014

<http://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm> Home Office Statutory

Guidance on the Act July 2014

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2_.pdf

Link to [Council Plan](#)

Priorities (check which apply)

- A supported and engaged community
- Carbon neutrality and ecological recovery
- Resilient economy that supports local business
- Financially secure and improving quality of services

Report in full

1. Report

1. A Public Space Protection Order is a tool under the Anti-Social Behaviour Crime and Policing Act 2014 which is intended to deal with a particular nuisance or problem affecting a specified area that is detrimental to the local community's way of life. They could be used for a wide range of problems. The area may be as small as a play park or as large as the district of the local authority.
2. A PSPO can be made by the council if it is satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:
 - Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;And that the effect or likely effect of the activities:
 - Is or is likely to be persistent or continuing in nature;
 - Is or is likely to be unreasonable and
 - Justifies the restrictions imposed.
3. Byelaws are local laws which can be introduced by the Council to implement requirements in a specified area. Sanctions for contravention of a byelaw would be through conviction in a magistrates court. A Public Space Protection Order is preferable to control certain anti-social behaviour as contravention can be dealt with more efficiently by issuing a fixed penalty notice, or by prosecution in a magistrate's court. In addition, a Public Space Protection Order is in place for maximum of three years before review and so can be amended to respond to specific local issues.

4. The dog controls were transferred from Dog Control Orders into Public Spaces Protection Orders in 2017; this was a requirement on local Councils.
5. PSPOs may be used to control a range of activities where there is evidence of detriment.
 - Control of Dogs – continuing the existing whole district requirements to clear up after dogs, keep dogs on leads in specified places and designate some areas where dogs are not allowed, to walk no more than six dogs at any one time, and a requirement for dog(s) to be kept on a lead when asked by an authorised officer and to amend the current exemption criteria.
 - Seashores and Promenades – to amend the seasonal dog exclusion for Exmouth beach, update dog on lead areas, amend the current exemptions criteria and to continue to prohibit the feeding of seagulls on the town beaches and promenades.

A table of proposed changes with justifications is included below. These changes have been proposed following internal consultation with relevant Council teams and Council members.

The proposed amendment of the season dog exclusion to allow dogs to be exercised during certain times of the day in the exclusion areas has arisen for several reasons;

- The Council has received several requests from dog walkers to be allowed to exercise their dogs on Exmouth Beach in the summer during the early morning or later evening when the beaches are cooler and quieter for residents and people visiting the area to exercise their dogs.
- Analysis of complaints received concerning dogs on the exclusion area at Exmouth Beach indicates that many of the complaints relate to a breach of the current PSPO rather than specific anti-social behaviour caused by the dog owners, such as fouling or nuisance behaviour of the dogs.
- The introduction of time limits for the use of Exmouth beach for dog owners will enable the Council to prioritise and target our resources more effectively during the summer months to tackle specific anti-social behaviour relating to dogs. If complaints are received regarding incidents of anti-social behaviour, targeted patrols can take place based on intelligence gathering in respect of fouling on the beaches for example and enable the Officer to issue Fixed Penalty Notices. Outside of the specific time limits, patrols of the beaches will be undertaken, taking the appropriate enforcement action as needed.
- Time limits apply on beaches within Cornwall and feedback from Cornwall Council has indicated that they received fewer complaints concerning dog nuisance and fouling on the beaches and dogs being on the beach during the banned times. They also commented that they were able to target their limited resources in hot spot areas based on local intelligence and this enabled more successful enforcement. Many of Cornwall's beaches are also dog accessible all year round, whilst EDDC are still proposing to retain dog ban areas on our other beaches during May to Sept.
- Dorset Council are another local council who have also relaxed dog controls on some of their beaches from January 2021 and they now have seasonal exclusions on some beaches and others are dog accessible all year round, enabling residents and visitors to use the beaches as appropriate to their needs.
- The Dog Enforcement Officer regularly patrols the beaches during the summer, providing information and education to those found in the dog exclusion areas and the majority of those spoken to and asked to leave the beaches were found to be residents of East Devon who were fully aware of the current restrictions. Any changes to the PSPO will be disseminated to the public and we will robustly enforce the PSPO with the use of Fixed Penalty Notices to reinforce the requirements.

6. The PSPOs will remain in force for 3 years at which point they will be reviewed, amended and renewed as appropriate.
 7. A person observed not to be complying with the PSPO is liable to receive a fixed penalty notice of £100. Certain council officers and police officers are authorised to enforce the requirements of the orders.
 8. There is a requirement in the legislation for interested parties to be consulted about the proposals. Consultees will include all district councillors, town and parish councils, affected landowners, Devon County Council, Devon and Cornwall Police and the Police and Crime Commissioner. There will be several press releases drawing attention to the web-based consultation, social media posts and paper copies available on request.
 9. It is proposed to carry out the consultation in Spring 2025 for a period of 12 weeks, which will allow time for the variations to be included in the PSPO's in May 2026. Responses will be considered and if appropriate the orders will be amended prior to the final draft being submitted to Cabinet and Council for approval.
10. Table of Proposed Changes

Changes to the Dog Control Public Spaces Protection Order

Dogs on Lead Areas	Justification
Colyton	
Grassed area and war memorial, St Andrews Church, Colyton	Request received from Colyton Parish Council due to increased dog fouling in this area.
Honiton	
Re-introduction of this requirement at The Glen, Honiton	This is an open green space close to residential areas within Honiton and the Dog on Lead requirement was removed in the 2023 consultation. There has been a request to reinstate this requirement due to an increasing number of dog fouling and dog on dog attack complaints received by the Dog Enforcement Officer.
Exmouth	
Donkey Field, Foxholes, Exmouth to be a Dogs on Lead area.	Request received from the public and the Dog Enforcement Officer to change to Dog on Lead due to dog fouling on the site.
The Maer, Exmouth to become Dogs on Lead area.	Request from the Dog Enforcement Officer to change to Dogs on Lead due to increasing number of dog fouling complaints.
Sidmouth	
The Byes, Sidmouth	Request received from the Dog Enforcement Officer, due to the increasing number of complaints received regarding nuisance dogs/ dogs off lead in this area.

	4 requests received from the public due to increased dog nuisance/not under proper control and dog fouling of the area.
Kilmington	
Kilmington Playing Fields to remove the current Dogs on Lead requirement	Request from Kilmington Dog Walkers Association to remove this requirement to enable off lead walking. (n.b. This is subject to a separate report).
Cranbrook	
Cranbrook Nature Reserve south of old A30 to change from Dog Exclusion to Dog on Lead area And Rename to Cranbrook Nature Reserve, Great Meadow area south west of river	Cranbrook Town Council felt that Great Meadow is used by a significant number of Dog Walkers. The E.ON district heating pipe extends through this area and has been installed as a bridge with the heating pipe incorporated underneath. The footbridge gives access for park users to cross directly from Great Meadow into the area designated as the Nature Reserve. In reality it is not possible to effectively enforce either area as a Dog Exclusion zone but the Council feel the Nature Reserve should be a Dog on Lead zone to protect habitat and local species. The nature reserve is under review and its final designation has not yet been determined
Off Tillhouse Road, access path leading to wheeled sports facility (Skatepark) to become Dog on Lead Area	Cranbrook Town Council and supported by Dog Enforcement Officer. 2 complaints regarding Tillhouse Lane in 2024 and 1 in 2023
Dog Exclusion Areas	
Honiton	
Allhallows Playing Fields, Honiton	Order to be made clearer to state dog exclusion on both pitches only (n.b. this is also subject to a separate report).
Cranbrook	
Hayes Square Play Park Dog Exclusion area to be renamed as Hayes Square Play Space	Request by Cranbrook Town Council
Ingrams sports pitches Dog Exclusion area to be renamed as Ingrams Sports Centre	Request by Cranbrook Town Council
Phase 3 Country Park play area Dog Exclusion area to be renamed as Stone Meadow play space	Request by Cranbrook Town Council
Crannaford allotments play area Dog Exclusion area to be renamed as Crannaford allotments play space	Request by Cranbrook Town Council
Platinum Park play area. Within the defined play area enclosed by fencing and not the wider public	Request by Cranbrook Town Council

open space to be designated as a Dog Exclusion Area	
Off Tillhouse Road, wheeled sports facility (Skatepark)	Request by Cranbrook Town Council
Education Campus, play space in front of Education Campus (due to complete in 2026)	Request by Cranbrook Town Council

Changes to the Seashores and Promenades Public Spaces Protection Order.

Location	Justification
Exmouth	
Maintain the existing Dog Exclusion Areas on Exmouth beach between the Hours of 10:00 – 18:00 and to allow dogs on the whole beach during the off-peak hours before 10:00 and after 18:00 for the period May – Sept.	To enable the Council to prioritise and target our resources more effectively during the summer months to tackle specific anti-social behaviour relating to dogs. The timings proposed mirror the RNLI Lifeguard sessions on the beach and those used by Cornwall Council.
Beer	
Change current seasonal dogs allowed area to dogs on lead area	Request made by Cllr Heath following dog fouling complaints.

Exemptions for Dog Control Order, Seashores and Promenades Order, ASB Exmouth Order

Dog Control Order – Current Exemption	Proposed Exemption
<p>Dog Fouling</p> <p>i) A person registered as blind in a register compiled under section 29 of the National Assistance Act 1948 shall not be guilty of an offence if they are alone with the dog and unable to remove the faeces;</p> <p>ii) A person with a disability which affects his mobility, manual dexterity, physical coordination or ability to lift and who relies for assistance on a dog trained by a prescribed charity shall not be guilty of an offence if they are alone with the dog and unable to remove the faeces. A “prescribed charity” is:</p> <ul style="list-style-type: none"> • Dogs for the Good (Registered Charity no. 1092960) • Support Dogs (Registered Charity no.1088281) 	<p>Dog Fouling</p> <p>(i) A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or</p> <p>(ii) A person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog trained by any prescribed charity (and is clearly identified) for assistance if they are alone with the dog.</p> <p>A 'prescribed charity' including but not limited to</p> <ul style="list-style-type: none"> • Dogs for the Disabled (Registered Charity no. 700454) • Support Dogs (Registered Charity no. 1088281) • Canine Partners for Independence (Registered Charity no. 803680)

<ul style="list-style-type: none"> Canine Partners for Independence (Registered Charity no. 803680) 	<p>(iii) Any police dog or fire dog. The term 'police dog' or 'fire dog' is deemed to be any dog, which is trained, or is undergoing structured training on behalf of the Chief Police Officer or Chief Fire Officer for the relevant service's dog unit. All reference to the term 'dog' also includes bitches and puppies belonging to that service that are subject to any separate contractual conditions and arrangements.</p> <p>(iv) Working dogs: When actually working e.g. those working on a land under the control of a farm worker when moving livestock would not expect to be on a lead. Working dogs includes dogs that are being used in connection with emergency Search & Rescue, Law Enforcement, and the work of HM Armed Forces.</p>
<p>Seashores and Promenades Order</p>	<p>Proposed Exemption</p>
<p>No specific exemptions</p>	<p>(i) A person who is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948 if they are alone with the dog; or</p> <p>(ii) A person with a disability affecting their mobility, manual dexterity, physical coordination or ability to lift, carry or move everyday objects or who relies upon a dog trained by any prescribed charity (and is clearly identified) for assistance if they are alone with the dog.</p> <p>A 'prescribed charity' including but not limited to</p> <ul style="list-style-type: none"> Dogs for the Disabled (Registered Charity no. 700454) Support Dogs (Registered Charity no. 1088281) Canine Partners for Independence (Registered Charity no. 803680) <p>(iii) Any police dog or fire dog. The term 'police dog' or 'fire dog' is deemed to be any dog, which is trained, or is undergoing structured training on behalf of the Chief Police Officer or Chief Fire Officer for the relevant service's dog unit. All reference to the term 'dog' also includes bitches and puppies belonging to that service that are subject to any separate contractual conditions and arrangements.</p> <p>(iv) Working dogs: When working e.g. those working on a land under the control of a farm worker when moving livestock would not expect to be on a lead. Working dogs includes dogs that are being used in connection with emergency Search & Rescue, Law Enforcement and the work of HM Armed Forces.</p>

ASB Exmouth Order – Current Exemption	Proposed Exemption
Exemptions will apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products) or are foodstuffs regulated by food safety legislation or where the use of the intoxicating substances falls within the curtilage of a premises licensed for the sale and consumption of alcohol and within the operating hours of such.	Exemptions will apply in cases where the substances are used for a valid and demonstrable medicinal use, for the use of a recognised cultural or religious practices, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products) or are foodstuffs regulated by food safety legislation or where the use of the intoxicating substances falls within the curtilage of a premises licensed for the sale and consumption of alcohol and within the operating hours of such.

The Control of Anti-Social Behaviour & the Consumption of Intoxicating Substances in Exmouth PSPO.

11. There are no proposed changes to the current ASB PSPO in Exmouth other than the amendment to the exemption.
12. The PSPOs will remain in force for 3 years at which point they will be reviewed, amended and renewed as appropriate.
13. A person observed not to be complying with the PSPO is liable to receive a fixed penalty of £100.
14. There is a requirement in the legislation for interested parties to be consulted about the proposals. Consultees will include all district councillors, town and parish councils, affected landowners, other interested parties, Devon County Council, Devon and Cornwall Police and the Police and Crime Commissioner. There will be several press releases and social media posts drawing attention to the web-based consultation and throughout the consultation period, with paper copies available on request, and there will also be an opportunity for members of the public to comment by emailing or writing to the Environmental Health team.
15. It is proposed to carry out the consultation in Spring 2025 which will allow time for the variations to be included in the PSPO's in May 2026. Responses will be considered and if appropriate the orders will be amended prior to the final draft being submitted to Cabinet and Council for approval.

Use this link to the current PSPO's, for further reference [Public spaces protection orders \(PSPOs\) - East Devon](#)

The timetable of events are as follows:

Action:	Date:
Liaise with Edith Stokes regarding exemptions for each Order and produce an Equality Impact Assessment.	August 2024

Confirm proposed changes to be consulted on.	August 2024
Instruct Legal to amend the Legal Order to state proposed changes to be consulted on.	September 2024
Complete Cabinet Report by 8 October 2024 for inclusion at Cabinet 27th November 2025 following approval of ELT.	September 2024
Work with Comms to put together consultation questions.	Completed by November 2024. To go live during January/February 2025.
Work with Comms to put together press release including social media.	Completed by November 2024. To go live during consultation January/February 2025.
<p>Consultation webpage</p> <ul style="list-style-type: none"> - Create new webpage for consultation with link to consultation questionnaire. Not to go live until consultation. 	December 2024
<p>Consultation</p> <ul style="list-style-type: none"> - Draft consultee email - Produce list of consultees, including statutory consultees, individual complainants, dog walker associations etc. - Include parish newsletters - Notify residents who live in locality where PSPO is due to change. 	Draft documents to be completed by December 2024
<p>Consultation to take place. All consultation emails and letters to be sent out. Consultation webpage to go live. Consultation to go live for 12 weeks. Press release every four weeks during consultation.</p>	January/ February 2025
Review of Consultation responses and comms on responses	May – June 2025
Instruct Legal to amend Draft PSPO's as appropriate	July 2025
Prepare Cabinet Report for Cabinet Meeting Oct 2025	
Full Council Meeting to ratify and sign off final PSPO's December 2025	

Legal Services instructed to seal and sign PSPO's	
Website updated with 2026 PSPO's	May 2026

16. Conclusion

In order to allow the PSPOs to continue beyond May 2026, they must be formerly reviewed and as part of that, public consultation must take place. This report only deals with the request to go to consultation, the outcome of the consultation in 2025 will be brought back to Cabinet for consideration and decision.

Financial implications:

The financial implications are included with in the report

Legal implications:

Legal comment: The legal framework is set out within the report and requires no further comment at this stage. Legal Services will continue to provide advice and support in the drafting and making of the final orders for enforcing from Spring 2026.